IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**and**
**THE HON'BLE DR JUSTICE G.YETHIRAJULU**

**WRIT PETITION NO : 717 of 2005**

Between:

K.Mavullu S/o.Parasuramudu
R/o.Kapra, Hyderabad.

**..... PETITIONER**

AND

1 Secretary, Government of Andhra Pradesh, Home Department, Secretariat Buildings, Hyderabad.
2 Collector and District Magistrate, Krishna District at Machilipatnam.
3 Superintendent of Central Prison, Rajahmundry.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Habeas Corpus, directing the Respondents to produce Chillimunta Ram Babu, S/o.Raja Mohan Rao, resident of Pedagollapalem Village, Kruthivennu Mandal, Krishna District, presently detained in the Central Prison, Rajahmundry and release him forthwith by declaring the order of detention in Rc.No.3334/2004/C1 dt.6.12.2004 passed by the Second Respondent as illegal and unconstitutional.

**Counsel for the Petitioner:MR. K. SURESHREDDY**

**Counsel for the Respondents: THE ADVOCATE GENERAL**

**The Court, at the stage of admission, made the following :**

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**ORAL ORDER: (PER BN.J)**

The order of detention dated 6.12.2004, under the provisions of A.P. Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (hereinafter referred to as 'the Act'), is under challenge in this writ petition.

Though several grounds have been taken in the writ petition, one of the grounds taken is that the District Magistrate has relied upon oral complaints received against the detenu and, on the basis of those oral complaints, the District Magistrate has recorded his satisfaction necessary, in terms of the provisions of the Act. The grounds of detention, inter alia, state:

> "There are several oral complaints received against you about the illegal activities of yours are causing wide spread danger to public health and creating a feeling of insecurity among the general public of that locality. If your activities are allowed unchecked there is every danger of its leading to Liquor Tragedies costing many lives of poor people in Pedagollapalem village and its surroundings and thereby effects the Public Order."

We have already held in some of the cases that the oral complaints, if taken into the consideration by the District Magistrate and the gist of those complaints not

communicated to the detenu, would make the detention illegal. Since the grounds of detention are also not separable under the Act, therefore, there is no option, but to allow this writ petition.

The writ petition is accordingly allowed. The order of detention dated 6.12.2004 is quashed. The detenu be released forthwith, if not required in any other case.

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(BILAL NAZKI, J)

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(DR. G.YETHIRAJULU,J)

8.2.2005

NOTE:

order be sent immediately to
the jail authorities concerned.

Bo CVM

To,

1 Secretary, Government of Andhra Pradesh, Home Department, Secretariat Buildings, Hyderabad.
2 Collector and District Magistrate, Krishna District at Machilipatnam.
3 Superintendent of Central Prison, Rajahmundry.

4. 2 CCs to learned Advocate General, High Court buildings, Hyderabad (OUT).

5. 2 CD copies.